

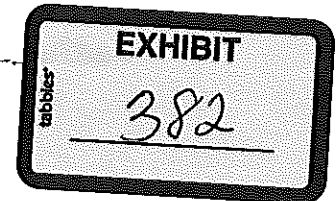
BUREAU OF ENVIRONMENTAL PROTECTION AND LAND REUSE
OFFICE OF THE BUREAU CHIEF

February 4, 2010

FEB 09 2010



Paul E. Stacey
Department of Environmental Protection
Bureau of Water Protection and Land Reuse
Planning Standards & Division
79 Elm Street
Hartford, CT 06106-5127



Re. Comments on the Proposed Connecticut Stream Flow Regulations

Dear Mr. Stacey:

We are pleased to have an opportunity to provide formal comments following our review of the proposed Connecticut Stream Flow Regulations. We recognize the significant effort that the Connecticut DEP and its working committee members have put forth during the past three years to develop the proposed regulations. We also understand that there are varying uses, needs and demands for water resources and that it is imperative to balance water demands by creating an equitable system to protect human needs while addressing environmental needs (i.e., aquatic life).

We have thoroughly reviewed the proposed regulations and feel that the regulations, as presented, have several challenges. We provide the Connecticut DEP with the following comments that we hope can be utilized to improve the regulations.

1. The proposed program addresses all waters (excluding tidally influenced waters) on a state-wide basis to address a problem which is likely applicable only to some specific areas; only approximately two dozen segments are identified as flow impaired, a small percentage of the stream and river segments in Connecticut.
2. A true cost/benefit and associated risk analysis was not thoroughly completed therefore the financial implications of the regulations cannot be accurately evaluated.
3. The inability of water suppliers to meet current demands was not addressed and a corresponding remedy was not proposed.
4. The long term variable flow regimes associated with various bio-periods is statistically based and not based upon actual system response; the use of such variable flow requirements does not allow the results from initial analyses and other program evaluations to be incorporated into an overall strategy; it assumes up front to know the final resolution; this stance is premature.
5. Flow management plans are needed in the future and should be part of an overall, long-term water resource management plan for the watersheds within the state; they should be evaluated, debated and vetted through the public process prior to promulgation of any regulations.

Suggested steps for Connecticut DEP in the future:

1. Withdraw the regulations as proposed.
2. Thoroughly evaluate the listed, flow impaired waters to determine the actual impacts; evaluate possible causes and possible mitigation options; discuss findings with all interested and potentially or directly impacted parties.
3. Compile and catalog the true stream flow statistics for all waters in the state and complete all planned USGS studies.



4. Conduct a thorough cost/benefit and risk analysis of any flow restrictions to water suppliers.
5. Set a framework for flow management plans for the streams in the state after getting input from the interested and potentially and directly impacted parties.
6. Convene a technical, policy, financial and risk advisory committee which acts collectively on issues at hand as the issues are intertwined with each other and should not be evaluated separately.
7. Prepare a detailed report of the issues at hand and present the findings to the legislature and to the public within 180 days of the close of the current public hearing.

As an environmental consulting firm practicing engineering in the State of Connecticut, we feel that it is our duty to actively participate in the regulatory process. We hope that our comments and recommendations are productive and provide the Connecticut DEP with an objective scientific perspective of the proposed regulations. We would be more than happy to further clarify our opinion and/or participate in the review process going forward.

Please do not hesitate to contact me with any questions

Sincerely,

WOODARD & CURRAN INC.

Jay Sheehan, PE

JS/ap